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Attorneys for Defendant Wilton Person

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Nexa Mortgage, LLC, an Arizona limited liability company,

CASE NO. 2:23-cv-00410-SPL

**DECLARATION OF  
WILTON A. PERSON  
IN SUPPORT OF  
MOTION TO DISMISS**

Plaintiff.

V.

Smart Mortgage Centers, Inc., an Illinois  
for-profit corporation; and Wilton A.  
Person,

### Defendants.

Pursuant to 28 U.S.C. §1746, Wilton A. Person declares:

1. I am over 18 years of age. I would, if called, testify to the facts set forth herein based upon first-hand knowledge.

2. I am a citizen of the State of Illinois. I have been an Illinois resident continuously from 2003 to the present. I have an Illinois driver's license, am registered to vote in Illinois and file Illinois state tax returns. Illinois is also my domicile. I have no present intention to move from Illinois.

3. I am not now, and never have been, an Arizona citizen. I own no real property in Arizona. I have never even been to Arizona.

4. I am a member of the Illinois Bar. I became a member in 2006. I am not now, and never have been, a member of the Arizona Bar.

1           5. I attended law school at Northern Illinois University.

2           6. The Complaint alleges that I represented the co-Defendant Smart Mortgage. I  
3 know from working with Smart Mortgage (which the Illinois Secretary of State's records  
4 document is incorporated in Illinois) that its principal place of business is Illinois. Although  
5 Smart Mortgage is authorized to transact business in Arizona, I have never provided legal  
6 services to Smart Mortgage in connection with any of its Arizona activities.

7           7. The Complaint also alleges that a series of lawsuits I commenced on Smart  
8 Mortgage's behalf are wrongful. Nevertheless, the Complaint also specifically alleges that  
9 the four lawsuits at issue in the Complaint were filed in Illinois. See ¶¶17, 20, 38 and 44. I  
10 commenced all four of the lawsuits in Illinois because the conduct alleged in each action to  
11 be wrongful occurred in Illinois. Moreover, the employment agreement at issue in three of  
12 the actions had a choice of law provision that provided Illinois governed. I have not  
13 represented Smart Mortgage in litigation in Arizona.

14           8. By filing Smart Mortgage's lawsuits in Illinois, I was not intending to target  
15 Arizona. I was not trying to purposefully avail myself, or my client, of the privilege of  
16 transacting business in Arizona. Indeed, the fact Plaintiff is an Arizona citizen was irrelevant  
17 to the decision to sue or the decision where to sue.

18           Executed on March 6, 2023

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20           Wilton A. Person

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